

Document No. 3203
Adopted at Meeting of 9/ 25/75
BOSTON REDEVELOPMENT AUTHORITY

REPORT AND DECISION ON THE APPLICATION FOR
AUTHORIZATION AND APPROVAL OF A PROJECT UNDER
CHAPTER 121A OF THE MASSACHUSETTS GENERAL LAWS
(TER. ED.), AS AMENDED, AND CHAPTER 652 OF THE
ACTS OF 1960, AS AMENDED, AND FOR CONSENT TO
THE FORMATION PURSUANT TO SAID CHAPTER 121A OF
AN URBAN REDEVELOPMENT LIMITED PARTNERSHIP UNDER
THE NAME OF SYMPHONY PLAZA EAST COMPANY FOR THE
PURPOSE OF UNDERTAKING AND CARRYING OUT THE
PROJECT.

A. The Hearing. A public hearing was held at 1:30 P. M., on September 11, 1975, in the offices of the Boston Redevelopment Authority (hereinafter called the "Authority") at the New City Hall, Room 921, Boston, Massachusetts, by the Authority on an Application (hereinafter called the "Application") filed by Walter K. Winchester and John R. Gallagher III, the General Partners (hereinafter called the "Applicants") for authorization and approval of a redevelopment project under Chapter 121A of the General Laws of Massachusetts (Ter. Ed.), as amended, and Chapter 652 of the Acts of 1960, as amended, (hereinafter called the "Project"), and for consent to the formation of a Chapter 121A Limited Partnership under the name of Symphony Plaza East Company, for the purpose of undertaking and carrying out the Project, due notice of said hearing have been given previously by publication on August 26, 1975 and September 2, 1975, in the Boston Herald American, a daily newspaper of general circulation published in Boston, and mailing appropriate notices, postage prepaid, in accordance with the provisions of Rule 8 of the Rules and Regulations

of the Authority for securing the approval of Chapter 121A Projects (the "Regulations") and Section 13 of Chapter 652 of the Acts of 1960, as amended.

Robert L. Farrell, Chairman of the Authority, and James G. Colbert, Joseph J. Walsh, Paul J. Burns, and James K. Flaherty, members of the Authority, were present throughout the hearing.

B. The Project. The Project consists of the construction, operation and maintenance by a limited partnership regulated under Chapter 121A of a multi-story fireproof steel frame and window panel building containing 188 apartments, consisting of 54 efficiency apartments, 121 one-bedroom apartments and 13 two-bedroom apartments. In addition the building will contain approximately 8,900 square feet of commercial space on three levels. Parking facilities for the building and its tenants have been planned to include 12 enclosed spaces and 8 open spaces.

The makeup and design of the Project are fully shown on the Plans filed with the Application as Exhibit G.

C. Authority Action. In passing upon the Application, the Authority has considered the Application itself, all documents, plans and exhibits filed therewith or referred to therein, the oral evidence presented at the hearing, the exhibits offered in evidence at the hearing and the arguments and statements made at the hearing. The members of the Authority have also viewed the Project Area.

D. Project Area Blighted, Open and Decadent Area. The Project as defined in the Application constitutes a "Project" within the meaning of Section 1 of Chapter 121A of the General Laws, providing as it does,

for the construction, operation and maintenance in a blighted, open, decadent, or substandard area of decent, safe, and sanitary residential buildings and appurtenant facilities, as described above. Pursuant to the adoption of the Fenway Urban Renewal Plan, Project No. Mass. R-115, adopted by the Authority on November 24, 1965 and approved by the City Council of the City of Boston on December 20, 1965, as amended, the parcel which makes up the Project Area was found to be substandard and decadent. The site has been vacant for several years and can now be fairly described, in addition, as a "blighted open area". The location where the Project is proposed by virtue of its blighting influence is detrimental to the safety, health morals, welfare, and the sound growth of the surrounding community. The Fenway Urban Renewal Project Area, as a whole, had been characterized by the existence of a large number of buildings which were out of repair, physically deteriorated, unfit for human habitation, obsolete, or in need of major maintenance or repair. A degree of decline has occurred so that it had been improbable that the area would be redeveloped by the ordinary operation of private enterprise.

These conditions warrant the carrying out of the Project in accordance with the legislative mandate contained in Chapter 121A of the General Laws and the Application constitutes a Project within the meaning of that law. The purposes of Chapter 121A and Chapter 652 of

the Acts of 1960 will be met by this Project. The demand for decent, safe and sanitary housing for elderly persons and for families at rentals below those which the conventional operations of the real estate market produce is, as a matter of common knowledge, intense in this area of the City. Long waiting lists face any elderly person who seeks admission to existing public housing for elderly projects. Construction of substantial and handsome structures will serve to alleviate this intense demand and will, in addition, encourage the conservation and improvement of an area of a substantial number of dwellings located adjacent to the Project Area. The Project will provide adequate financial return to the City of Boston. Exhibit "6A Contract" of the Application sets forth the amounts to be paid by agreement to the City of Boston in addition to the excise tax prescribed by Section 10 of Chapter 121A. This Exhibit is attached only for illustrative purposes and the approval of this Report and Decision does not bind the City or the Developer to the terms and conditions of the Exhibit.

E. Cost of the Project. In the opinion of the Authority, the cost of the Project has been realistically estimated in the Application and the Project is practicable. The estimated minimum construction cost of the Project is \$5,920,000.00. The Massachusetts Housing Finance Agency has issued a commitment to provide permanent financing in the amount of \$7,021.436.00, which amount is ninety (90%) percent of the total cost of

the Project. The Application contains a form of Partnership Agreement which illustrates in a general manner the organizational framework of the Partnership to be called Symphony Plaza East Company. Experience with similar financing and organizational methods persuades the Authority that the financing program is realistic.

The feasibility of the Project is based upon the financial commitment made by the Applicants which requires them to provide equity financing for the Project, the market established by the need for elderly housing in the area, the reservation of rental assistance funds under Section 8 of the U. S. Public Housing Act of 1937, as amended, for all of the dwelling units in the Project and the mortgage financing to be made available by the Massachusetts Housing Finance Agency, or possibly other institutional lender, to finance the Project.

F. Consistency with Master Plan. The Project does not conflict with the Master Plan for the City of Boston.

G. Effect on the Project. The Project will not be in any way detrimental to the best interests of the public or to the City or to the public safety or convenience, nor will it be inconsistent with the most suitable development of the City. The Project will, in fact, forward the best interests of the City and will constitute a public use and benefit. The residential structure to be erected on the Project Area is efficiently designed, with ample light and air and appurtenant space, and will furnish attractive and most necessary living accommodations.

The carrying out of the Project will replace the present blighted conditions of the Project Area with suitable accommodations for elderly individuals and elderly couples, and economic as well as physical integration into the community will result from the availability of

the housing. The Plans for the Project and its operation have been reviewed by the Massachusetts Housing Finance Agency and the Authority's Design Review Staff and will be subject to further design review of the Authority.

The carrying out of the Project will not involve the destruction of existing structures occupied in whole or in part as dwellings.

The Project Area does not include land within any location approved by the State Department of Public Works for the Extension of the Massachusetts Turnpike into the City of Boston.

The carrying out of the Project will require the grant of a permit for erection, maintenance, and use of a garage within five hundred (500') feet of one or more buildings occupied in whole or in part as a public or private school having more than fifty (50) pupils, or as a public or private hospital having more than twenty-five (25) beds, or as a Church. Such garage will not, however, be substantially detrimental to any such school, hospital or Church, since the garage and its facilities will be operated so as to prevent the emission of objectionable noise, fumes and odors, and will not interfere substantially with the flow of traffic on adjoining streets.

The Project does not involve the construction of units which constitute a single building under the Boston Building Code and Zoning Laws, and the carrying out of the Project will not require a declaration by the Authority with the approval of the Mayor of the City of Boston that such units constitute separate buildings for the purpose of Chapter 138 of the General Laws.

H. Minimum Standards. The minimum standards for financing, construction, maintenance, and improvement of the Project as set forth in Exhibit C filed with and attached to the Application are hereby adopted and imposed as rules and regulations (in addition to those hereinafter adopted and imposed) applicable to this Project for the same period as the Project is subject to the provisions of Chapter 121A of the General Laws and Chapter 652 of the Acts of 1960, as amended.

In addition to the minimum standards set forth in Exhibit C, the Authority hereby requires that the Applicant, prior to obtaining a building permit, (1) enter into a Regulatory Agreement with the Authority pursuant to the requirements of General Laws, Chapter 121A, Section 18C and containing such other terms and conditions as the Authority may in its discretion deem necessary and appropriate; (2) submit to the Authority for its review and approval such Final Plans and Specifications for the Project as the Authority may require, and accept such changes and modifications thereto as the Authority may deem necessary or appropriate; and (3) adhere to such Design Review Controls and Requirements as the Authority may in its discretion impose.

I. Environmental Considerations. In conformance with the provisions of Sections 61 and 62 of Chapter 30 of the General Laws (as inserted by Chapter 781 of the Acts of 1972), and the Regulations thereunder as adopted by the Authority on April 11, 1974, the Authority has made an environmental analysis evaluating the Project, which contains findings which the Authority hereby adopts, among which are:

1. The Project does not adversely affect any recreational areas or any aesthetic value in the surrounding area.
2. The Project will not affect natural or man-made features.
3. The Project does not adversely affect archeological or historic features, or structures. It is expected that the Project will enhance the historic structures in the area.
4. The Project does not affect the potential use, extraction, or conservation of a scarce natural resource.
5. The Project Area serves no rare or endangered wildlife or fish species.
6. The site is urban and contains no significant fish, wildlife, or plant life.
7. The Project will require deviations from the Boston Zoning Code as further detailed herein, but not in such manner as will cause damage to the environment.
8. The Project does not involve the disposal of potentially hazardous materials.
9. The Project does not involve the construction of facilities in a flood plain.
10. The Project, except necessarily during the construction phase, does not result in the generation of a significant amount of noise or dust.
11. The Project does not result in a serious deleterious effect on the quality of any portion of the State's air or water resources.

12. The Project does not adversely affect an area of important scenic value.

Therefore the Authority concludes that the Project will cause only minimal damage to the environment, and that all feasible measures have been taken to avoid or minimize said impact. Receipt and availability of the Environmental Assessment form for this Project was published in accordance with the Rules and Regulations of the Authority. The Authority hereby determines that the Project will not cause any significant environmental damage and finds that no other action must be taken.

J. Deviations. Exhibit B filed with and attached to the Application lists the Boston Zoning Code Deviations required for Project construction. For reasons set forth in the Application and supporting documents, including said Exhibit B, and in evidence presented at the hearing, and in this Report, the Authority hereby finds that each and every one of the permissions hereinafter granted is reasonably necessary for the carrying out of the total Project and may, subject to such conditions as are hereafter set forth with respect thereto respectively, be granted without substantially derogating from the intent and purposes of the applicable laws, codes, ordinances and regulations, respectively; and the Authority is also satisfied by reliable and generally accepted tests, or by experience in other cities that the other design, construction, materials, apparatus, equipment or methods specified in the Application and supporting documents, including Exhibit B, and in the evidence presented at the hearing, will sufficiently satisfy the purposes for which it or

they are to be used and the purposes of the applicable laws, codes, ordinances, or regulations, respectively.

Permission is granted to deviate from the following provisions of the Boston Zoning Code.

Use:

Deviation from Article 8, Section 8-7 Use Regulations to allow accessory business uses at the ground, first and second story levels.

Deviation from Article 10, Section 10-1 Limitation of Area of Accessory Uses to allow the use of more than 25% of required rear yard for tenant parking, and the above business uses.

Dimensional Requirements:

1. Floor Area Ratio: Permit deviation to allow F.A.R. of 11.5.
2. Usable Open Space Per Dwelling Unit: Permit deviation from Article 13, Section 13-1, Table B, and Article 17, Section 17-1.
3. Front Yard: Permit deviation from Article 13, Section 13-1, Table B and Article 18.
4. Minimum Side Yard: Permit deviation from Article 13, Section 13-1, Table B and Article 19.
5. Rear Yard: Permit deviation from Article 13, Section 13-1, Table B and Article 20.
6. Off Street Parking: Permit deviation from Article 23.
7. Setback of Parapet: Permit deviation from Article 13, Section 13-1, Table B and Article 21.

Permission is granted to deviate from the following specific provisions of the State Building Code and the Massachusetts General Laws:

1. Permit deviation from Section 1132.2 to allow the enclosure of refuse chutes with non-masonry material.

2. Permit deviation from Section 1206.53 to allow the equipment of standpipes with a hose connection of less than one and one-half (1-1/2") inches.
3. Permit deviation from Section 1206.6 to allow the omission of hose and cabinet.
4. Permit deviation from Section 1207.4 to allow a pump which delivers seven hundred and fifty (750) gallons per minute rather than one thousand (1,000) gallons per minute.
5. Permit deviation from Section 1212.2 to allow a two (2) riser cross-connect layout, such riser sized to supply one half (1/2) of the floor area served, rather than the one (1) riser of adequate size to furnish the heads therein contained in one story.

Permission is granted to deviate from the following specific provisions of the rules and regulations promulgated by the Architectural Barrier Board pursuant to Chapter 22, Section 13A of the General Laws.

1. Regulation 9.1 - the requirement that closet doors have a minimum width of thirty-six (36") inches is waived with respect to linen and broom closets.
2. Regulation 9.6 - the requirement that doors in the path of travel be operated by means other than door knobs.
3. Regulation 13.5 - the requirement that elevators contain distinct audible signals in addition to visual signals.
4. Regulation 13.7 - the requirement of a sensing device on elevator doors.
5. Regulation 17.2 - the requirement of raised identification letters on apartment entrance doors.
6. Regulation 22.5 - the requirement of proportional distribution of handicap units as to the number of bedrooms and size of apartments is waived with respect to efficiency units.

"FIRST AMENDMENT TO THE REPORT
AND DECISION OF THE BOSTON REDEVELOPMENT
AUTHORITY ON THE CHAPTER 121A APPLICATION
OF SYMPHONY PLAZA EAST COMPANY"

The above-captioned Application for Authorization and Approval of a Project Under Chapter 121A of the General Laws of the Commonwealth of Massachusetts, is hereby amended as follows:

Exhibit B to the Application is amended by inserting under the heading requesting deviations from the State Building Code a new sixth paragraph to read as follows:

- "6. Permit deviation from Section 215.0 to allow non-bearing walls 11 feet or more but less than 30 feet from an interior lot line or building to vary from requirement of a 1-1/2 hour fire resistive rating".

Exhibit B to the Application is further amended by inserting under the heading G. L., Ch. 22, Section 13A Deviations, the following deviations to the rules and regulations promulgated by the Architectural Barriers Board which are added thereto.

Regulation 17.4 - the requirement that all audible warning signals be accompanied by visual signals.

Regulation 31.3.1 - the requirement that counter heights and wall cabinets be adjustable.

Regulation 31.6 - the requirement for a combination freezer-refrigerator with doors side by side.

7. Regulation 31.2.2 - The requirement of a clear space of thirty-two (30") inches at one side of the water closet.
8. Regulation 31.2.4 - The requirement that bathtub controls be placed on the long wall to allow controls to be placed on the short wall.
9. Regulation 31.5 - The requirement that wall oven controls be not higher than 48 inches above the floor.

MEMORANDUM

3203
SEPTEMBER 25, 1975

TO: BOSTON REDEVELOPMENT AUTHORITY

FROM: ROBERT T. KENNEY, DIRECTOR

SUBJECT: REPORT AND DECISION ON CHAPTER 121A APPLICATION OF
SYMPHONY PLAZA EAST COMPANY
FENWAY URBAN RENEWAL AREA PROJECT NO. MASS. R-115

A public hearing was held by the Authority on September 11, 1975 on the above-captioned Application. At that meeting the Board heard a presentation by the Applicants. There was no objection to the Application voiced at the public hearing and the matter was directed to the General Counsel for a Report and Decision.

The 121A Application has been examined and found to contain sufficient evidence in support of the proposed Project to permit the Authority to proceed with the adoption of the attached Report and Decision approving the Project and Consenting to the Formation of the Limited Partnership.

As indicated by the Applicants at the hearing, and as stated in the Application, this proposal provides for the construction of a multi-story elevated steel frame and window panel building containing 188 apartments, consisting of 121 one-bedroom apartments and 13 two-bedroom apartments and 54 efficiency apartments. In addition, the building will contain approximately 8,900 square feet of commercial space on three levels.

It is anticipated that approximately 90% of the total financing cost of approximately \$7,021,436.00 will be financed through the Massachusetts Housing Finance Agency.

It is therefore recommended that pursuant to Chapter 121A of the General Laws, the Authority adopt the Report and Decision approving the Project and consenting to the formation of Symphony Plaza East Company.

An appropriate Vote follows:

VOTED: That the Document presented at this meeting entitled "Report and Decision on the Application of Symphony Plaza East Company, for Approval of a Redevelopment Project and Consent to the Formation of Symphony Plaza East Company" be and hereby is approved and adopted. This approval is conditional upon the initial closing by the Symphony Plaza East Company of this Project at the Massachusetts Housing Finance Agency within 45 days of the Vote of this Authority.